

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM  
Section 7: Rio Brazos

**MOTION TO SET ASIDE ENTRY OF DEFAULT**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and pursuant to Fed. R. Civ. P. 55(c) respectfully requests the Court to set aside the entry of default for the following defendants in the Rio Brazos subsection of Section 7:

Louis K. Jaramillo                      CHRB-004-0030

Lionel E. Martinez                      CHRB-005-0023

As grounds therefore Plaintiff states:

1.        The Clerk’s Certificate of Default with respect to the above-named defendants was entered on July 3, 2006 (Docket No. 8305).

2.        The above-named defendants have recently contacted the State to discuss the State’s offer concerning their water rights in Section 7. They have signed the State’s proposed Consent Order and forwarded the approved order to the State, or have requested that the State send them an additional copy of the proposed order to review.

3.        Good cause exists to set aside the entry of default with respect to the defendants named

above.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer requests the Court to set aside the entry of default for defendants Louis K. Jaramillo and Lionel E. Martinez.

DATED: August 3, 2006

Respectfully submitted,

/s/ Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General  
Office of State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 867-7444

#### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing were mailed to following persons on August 3, 2006:

Louis K. Jaramillo  
Rt. 1, Box 361  
Española, NM 87532

Lionel E. Martinez  
P.O. Box 145  
Parkview, NM 87551

transmitted by ACE filing to the following on the same date.

Special Master Vickie L. Gabin  
USDC-DCNM  
P.O. Box 2384  
Santa Fe, NM 87504-2384

Karla McCall, Data Manager  
1315 Sagebrush Dr. SW  
Los Lunas, NM 87031

/s/ Ed Newville  
Edward G. Newville